

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

BOARD MEETING

Tuesday, November 15, 1977

10:00 o'clock a.m.

DOYLE G. BERRY,  
Chairman

Wildlife and Fisheries  
Building, Room 102  
400 Royal Street  
New Orleans, Louisiana

Helen R. Dietrich  
Reporter



Helen R. Dietrich, Inc.  
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333 ST. CHARLES AVENUE, SUITE 1221  
NEW ORLEANS, LOUISIANA 70130 • (504) 524-4787

# P R O C E E D I N G S

. . . Pursuant to notice, the regular monthly meeting of the Board of Louisiana Wildlife and Fisheries Commission convened at 10:00 o'clock a.m., Tuesday, November 15, 1977, at the Wildlife and Fisheries Building, Room 102, 400 Royal Street, New Orleans, Louisiana, Doyle G. Berry, Chairman, presiding. . . .

## PRESENT WERE:

DOYLE G. BERRY, Chairman

DONALD F. WILLE, Vice Chairman

J. C. GILBERT, Member

JERRY JONES, Member

JEAN LAPEYRE, Member

HARVEY CLAY LUTTRELL, Member

J. BURTON ANGELLE, Secretary.

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## A G E N D A

### MR. RICHARD YANCEY

1. Allocation to Ducks Unlimited - \$100,000. (4)

### MR. HARRY SCHAFER

2. Discussion on closing of oyster season. (6)



MR. ALLAN ENSMINGER

3. Consideration of requirement for fur buyers (44)  
and dealers for annual report on a  
parish basis.

MR. KENNETH SMITH

4. Discussion of limitation of commercial fish- (Defer  
ing gear in Lake Vernon and Lake Anacoco red)

MR. JOE HERRING

5. Discussion concerning possible change of (53)  
trapping and coon hunting seasons on  
Russell Sage Wildlife Management Area.

OTHER BUSINESS

6. December meeting. (63)

Note: The following items not on the printed  
agenda were also considered:

Recognition of Ted O'Neil on his retirement. (49)

Discussion re applications for drilling and/ (63)  
or construction in Louisiana waters.

Commission/Forest Service hunting regulations. (78)

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CHAIRMAN DOYLE G. BERRY: Good morning. I notice a lot of interested parties in the audience this morning. I am sure it is on the oyster business. You can always tell working people when you see them.

First on the agenda this morning is Mr. Richard Yancey with an allocation for Ducks Unlimited.

MR. RICHARD YANCEY: Mr. Chairman and Member of the Commission, Act 81 of the 1975 legislative session provides that a certain percentage of the hunting license revenue will be allocated to Ducks Unlimited for the management and preservation of waterfowl breeding ground areas in Canada. Our accounting section advises that a sum of \$100,000 can be allocated to Ducks Unlimited at this time for these purposes.

Now \$50,000 of this would come from the sale of the '76-'77 hunting licenses and \$50,000 would come from the sale of the '77-'78 hunting licenses, so we would suggest at this time that a resolution be adopted approving an allocation of \$100,000 to Ducks Unlimited for the purposes of



maintaining and developing waterfowl breeding ground areas in western Canada, the prairie provinces.

MR. HARVEY CLAY LUTTRELL: I so move.

MR. DONALD F. WILLE: Second.

THE CHAIRMAN: Moved by Mr. Luttrell, seconded by Mr. Wille. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

Hearing none, so ordered.

NO HIATUS HERE. CONTINUED  
ON FOLLOWING PAGE.



THE CHAIRMAN: Mr. Schafer, before you get started, I am sure there are three or four different groups in this audience who want to be heard this morning. I assume that the groups each have a spokesman and I would like to limit, if we could, the discussion or the input of the different groups to one or two speakers. Go ahead, Mr. Schafer.

MR. HARRY SCHAFFER: Thank you, Mr. Chairman. As you are aware, Paragraph C of Section 433 of Title 56 requires that we meet with the industry and get their input on the closure of the season that can be closed between the dates of January 1 through May 20. The discussion on the agenda today is to get the input from the industry and I am sure there are quite a few people here that would want to talk to this issue, so if we could just turn it to them and get their input.

THE CHAIRMAN: Whoever wants to be heard before us, please raise your hand and come up and give us your name and who you represent, please.

MR. JOHN FARAC (Port Sulphur, Louisiana): I am representing the Plaquemines Oyster Association, Incorporated.



I am of the understanding there was a meeting held a couple of weeks ago by the Louisiana Oyster Association and they come up with a closing date of January 1. We held a meeting and we suggested March 1. I wrote a letter to Mr. Schafer, I don't know whether he received it or not, and that is our suggestion of the season closing on January 1. That is all.

THE CHAIRMAN: Thank you very much, Mr. Farac. Next.

MR. WILLIAM A. KASS (President, Louisiana Oyster Dealers and Growers Association): We understood the law was when this new bill was passed about the closing of the season, we recommend we have a meeting before the end of the year and recommend the closing date. We sent a letter to the Board and it stated on this November 4, 1977 meeting, the Louisiana Oyster Dealers and Growers Association decided to recommend to the Department of Wildlife and Fisheries that the state-owned public seed and oyster reefs east of the Mississippi River be closed to the taking of oysters January 1, 1978.



We strongly recommend the closing date of January 1 so that the oysters on these reefs can reproduce, multiply, grow and develop undisturbed so as to assure an ample supply of seed oysters for the coming season and the survival of the Louisiana oyster industry.

The reason this was done, most of the members felt -- it was a majority vote -- most of them felt that the seed areas are real short and I think you all have some biological reports on this. Our only objective is to conserve what little we have out there. We are not trying to put anybody out of business. The remark was passed that we are trying to put people out of business. Well, I think our only goal is conservation. I think that is the Commission's goal, too, but can we afford to leave them open and have nothing next year? Only us and the Good Lord knows, but it is not no prejudice move or anything. We are accused of all kind of things.

We ask you to please look at what you have. Please take into consideration that we need these seed oysters. Thank you.





THE CHAIRMAN: Thank you, Mr. Kass.

Mr. Farac stated March 1. Yes, sir.

MR. PETER GEORGE VUJNOVICH: I call myself an oyster farmer. Oyster farmers are just -- I will quote a statement that MacArthur said, that old soldiers never die, they just fade away -- well, the oyster farmers of this wonderful state of ours, the State of Louisiana, are slowly fading away, and the reason, gentlemen, is because this Department is not doing the job that it is supposed to do.

It has made a few tremendous mistakes. We are here, asking for the closure of the Louisiana oyster industry a couple of months one way or the other. Gentlemen, for 43 years I have been out there in this wonderful wilderness of ours. I left blood, sweat and tears in the Louisiana oyster industry. There are many youngsters here -- I call them youngsters because they are just new in the business -- that do not know what our fathers went through to make this Louisiana oyster become famous all over the world.

The sweat, gentlemen, came from building



up your seed ground and our reefs with the shovel and the gravel that we threw in the water. The blood that we shed, we didn't have screens, we didn't have Flit, we didn't have to throw money away like we have today; mosquitoes and sand flies would eat us up. That was the blood that was put in the industry. The tears, gentlemen, I shed a few myself. I am the father of six children.

Many times to be a good oyster farmer you have to stay out there two, three weeks at a time, and then in the evening when the sun goes down and you are on the boat sometime by yourself, you think of your loved ones at home, your wife and your children, and tears come into your eyes from loneliness.

But, no matter what you all do here today, gentlemen, it will not help the oyster industry one way or the other. The mistake that was made by this Department, and if they have any oldtimers here in this room, was the leasing of the state seed grounds. We have leased hundreds of thousands of acres of our natural reefs. Some of those reefs are used maybe by I would say about five percent of the people who are in the oyster



industry, are using this ground for what it was supposed to be used for, for seed oysters to cultivate and to make the oyster than what comes from the east side of the river.

I will go back to when the industry began to prove a certain point. We had an Italian firm by the name of, I believe, DiScrimpsi, something like that, I forgot the name. They had two or three oyster boats. They was working out of Bayou St. John. This is going back years and years ago. We also had the Lulich Oyster Company. There was an abundance of oysters in the Lake Borgne area, but these oysters were full of mussels so these fishermen couldn't sell those oysters.

What they done, they fished these oysters on their luggers -- it was sailboats those days, or push-boats -- and they brought these oysters further out into the Mississippi Sound where they had a plentiful amount of salt water. It killed the mussels but in the meantime while they was doing that the fleet of boats from Biloxi, Mississippi, came there and they fished all the hard work, so there was almost a shooting spree. My

father told me that because he was working then. There was almost a shooting spree so they came up to New Orleans and they asked the man at the Department of Wildlife and Fisheries what could be done about it.

The gentleman, he granted them the first lease on the east side of the river, and it was granted on these terms, that they are having that lease because they are going to produce a better oyster for the State of Louisiana.

Gentlemen, I have here a little quotation that I saved. It was Wednesday, February 13, 1974. "Oysters from Trees." It is kind of long. Do you all want me to read the whole thing?

MR. GILBERT: What does it say?

MR. VUJNOVICH: All right. "Even a child knows that oysters don't grow on trees, but even if they did, special care would have to be taken of the trees. Just as the orange trees of Plaquemines Parish have specific soil and climatic requirements, so too do the oysters of Plaquemines Parish and other coastal parishes require precise natural conditions to reproduce. There must be



just the right balance of salt and fresh water if the oysters are to flourish and continue to provide the restaurants of South Louisiana. If there is too much salt in the water, the oysters fall prey to such predators as the sea conch or oyster drill, which bores a hole in through the oyster shell and extracts the meat.

"The salt water drumfish also causes major damage to oyster crops by crushing the shells and eating the meat. The waterborne oyster fungus is another threat if the water salinity reaches two percent or more. There are specific facts established by researchers with the Louisiana Wildlife and Fisheries Commission. The Louisiana oyster is in abeyance because of erosion of the marshes and the conch line steadily is moving further inland, bringing the predators. That is why they call it the conch line. Beyond that line the predatory conch cannot live.

"There is trouble on the fresh water side of the line, too. More and more the acreage of oyster farming is being shut down because of urban pollution. Last year's hepatatis scare dramatized



the point.

"What can be done to see that future generations of Louisiana enjoy the abundance of oysters and other seafood which their grandparents enjoyed and their parents enjoy now? If anything is done, it will be up to the people of today and their political leaders. A major effort to protect Louisiana's seafood industry through a coastal zone management is the subject of discussion at a conference in Baton Rouge today and tomorrow.

"The program was outlined by the Louisiana Advisory Commission on Coastal and Marine Resources created by the legislature in 1972. It is up to Louisiana's political leaders to see that an effective program is enacted at the next session of the legislature. Some politicians born and raised in the marshlands display an appalling indifference toward what is happening to the wetlands and the seafood industry. They seem to think oysters grow on trees or are hatched in the kitchen of their favorite restaurant. It is the kind of ignorance or willful indifference which more than the sea conch is killing the Louisiana oyster



industry."

Gentlemen, we all know that while this was going on we had the opening of the Bonnet Carre Spillway. I happened to be the president of the Louisiana Oyster Dealers and Growers at the time and I stated on TV that was the best thing that ever happened to the Louisiana oyster industry. Fishermen here can verify this. The 1974-75, '75-'76 seasons were very good for the Louisiana oyster industry. That should have taught the people in this department something and it should have taught the people in the oyster industry something.

We are doing very little to bring the Mississippi River into the marshlands. The reason why, gentlemen, as I state again, is the leasing of the seed ground area to individual oyster people. I have looked at the laws governing the leasing of the leases on the east side of the river, and gentlemen, the only thing I could find in this book is a regulation defining the water in which oysters may be fished from the natural reefs east of the Mississippi River and fixing the



basis of leasing in this district. The regulation provides that any person, firm or corporation domiciled in the state engaged in the canning or oyster-shucking business may enjoy the right of fishing oysters from the natural reefs in Nigger Lake, Lake Fortuna, Lake Athanasio, Drum Bay and everything on the outside running from California Point, including Mitchell Keys, Martin Island, Brush Island, Door Point, Sundown Island, Isle aux Pitre, up to and including the Mississippi Sound. No dredging will be permitted elsewhere in the Louisiana marshes irrespective of depth of water.

Regulation provides also that such persons, firms or corporation shall lease water bottoms from the state under the provisions set forth in Act 54 of 1914 on the following basis: if operating 26 to 40 boats, you are entitled to 1,000 acres; if operating 16 to 25 boats, you are entitled to 750 acres; if operating 11 to 15 boats, 500 acres; if operating six to 10 boats, 250 acres; if operating one to five boats, 100 acres.

Licenses will not be granted to any person, firm or corporation to fish oysters from water bottoms





of the territory abovementioned and known as Louisiana marsh until the terms herein contained are complied with, unless by special permission granted by the Department.

Gentlemen, Louisiana marsh, we call it Louisiana marsh from the boundary line of the Mississippi River to Breton outside to the Gulf of Mexico. The reason why I call attention to this, gentlemen, is I am not trying to stir any humbug or anything personal or anything, but I happen to have 121 acres in the seed ground area which was known as Hackberry Bay. With the 121 acres I raised six children and my wife and I prospered. I am a good citizen in this wonderful city. I am well known. Last week I donated four boxes of oysters to Channel 12. My wife went on there and we are going to open up those four boxes for a special party. The bid brought in \$210 for 400 oysters. Now think, gentlemen. That is really a tremendous benefit for the Louisiana oyster industry when 400 oysters can bring \$210. But that is a thing of the past.

The State of Louisiana took away my



leases. Now five months out of the year I don't know where I am going to get the seed oysters to replace that hard work that I have done on this 121 acres which people in this room know, they can verify this, that of all the people in the Louisiana oyster industry I produced more oysters from bedding less than anybody in this room, and that is a fact, gentlemen.

And so I am asking this, that I think I was sincerely discriminated against and I ask that these laws be looked into and be enforced, because, gentlemen, there are people that own as high as eight, ten, some people 18,000 acres on the east side of the river which is known as the Louisiana seed grounds. Where in the world are we going to get the oysters when everything is leased?

THE CHAIRMAN: Pete, excuse me. I have got to ask you to make your recommendation on the closing. We are getting a little bit off the subject and I wish you would tell us what your recommendation is on the closing date. I agree that you probably have some room for complaint there, but we are holding this meeting particularly for



the purpose to decide when we are going to close the season, on January 1 or March 1 or whenever.

MR. VUJNOVICH: Gentlemen, I look at it this way. I believe when I closed the season once upon a time about six weeks -- you know, let me go on one minute -- and I went down to Pointe a la Hache and the people at Pointe a la Hache were looking crosseyed at me, almost threw me overboard. When I went back in September, they all hugged and kissed me. Oh, Captain Pete, you knew what you were doing, we are going to have one of the most wonderful seasons in the oyster industry, which we did.

So, gentlemen, I recommend this, that January 1 be your closing, because let's take a chance and let's see if miracles cannot happen out there from January 1 until Labor Day. Thank you.

THE CHAIRMAN: Thank you, Mr. Pete. Just for the information of the audience, I believe Harry told me yesterday that the Governor has finally gotten a \$30,000 grant to study running fresh water through the Bonnet Carre Spillway. Is that right, Harry? We are trying in our own



meager way to influence the government into maybe putting some more siphons in and putting some more fresh water in that will move that saltwater line back out, which we think will help the oyster industry.

MR. VUJNOVICH: Also I believe the industry has asked to open up the Spillway, which was the program that should have been completed quite a few years ago, and maybe that is the reason why we are going to have it finished, because the common people were complaining --

THE CHAIRMAN: Let me say that is controlled by the Corps of Engineers and the federal government and we have very little influence with them. Who would like to be next, please?

MR. LUKE JURISICH: I am from Empire, Louisiana and I represent myself because I am not with no organization right now.

I have been listening to all these speakers here and they have all got good points, but it seems like the main thing that they are talking about is fresh water, and we are not getting no fresh water over there and we can close that



season today and it won't do a damned bit of good. Until you get fresh water over there, it is not going to do you no good. All they are going to do by closing the season early is probably allow a good meal for some snails. Thank you.

THE CHAIRMAN: Luke, do you recommend closing the season January 1 or March or what is your recommendation?

MR. JURISICH: I thought my speech was a little explanatory. March 1 is good.

MR. MIRO SLAVICH: I am a stranger here to most of the people. Some, they know me, some don't. I am a newcomer in oyster business. I also sympathize with Mr. Pete Vujnovich for his loss of his grounds. However, I do not agree with him on closure of season. There is a lot of families, a lot of fishermen that depend to support their family and pay the bills with those oysters. I don't really need any oysters across the river. I am on the east side. So, from my benefit, it will be good if they close the season, but I have to look at brothers in pain. If we work those reefs, I am sure most of you here agree with me, the more



you turn those shells over, the better growth you will get. So much of that.

There is another matter I would like to speak if I am allowed. Our biggest trouble is oil companies, pipelines, dredging companies, that they pollute, destroy natural habitats of the seafood, wildlife and shellfish, so I would recommend to you gentlemen, you who rule here today and for all days past and the future, that you get a little more strict measures on what the oil company can do and before you allow it any permit to drill, dredge or pass the pipelines, you should get some kind of study on it and see what is the damage done and therefore guide yourself from there on, for future permits.

I think right now that is enough. I am sure in the future you will hear me more. Thank you.

THE CHAIRMAN: What is your recommendation on the date?

MR. SLAVICH: I would say you stay at least till April. Now to me, no matter, but I am looking on other people has bills and no oysters.



MR. JOSEPH CORONA: I represent Joey's Oyster House and Stock's of Louisiana. It seems that everybody is in agreement that closing the reef is not going to actually help the reef, it is going to take other measures to help things out other than just closing it, so I would like to recommend that we close it May 1.

THE CHAIRMAN: Thank you very much, Joe. Anybody else?

MR. AUGUST VEGAS: I am with the Dealers and Growers and also with the Louisiana Oyster Festival and also King of the Louisiana Oyster Festival. I would like to have read to you a biologist's report on their recommendations on when the season should be closed, and I also recommend that the season be closed January 1. I would like to have the biologist's report read. Thank you.

THE CHAIRMAN: Thank you, August. Does anybody else wish to be heard? Anybody in the audience have any recommendations? Yes, sir.

MR. JOSEPH PIAZZA: I am an oyster fisherman in Plaquemines Parish and I am a member also



of the Louisiana Oyster Growers Association and the Plaquemines Association also. I have been looking every day, fishing every day, and the people recommend here they no got no oysters and all the fishermen almost in Empire is averaging, you know, 80 to 90 sacks a day and they are having no complaints on the quality and oysters have been doing so good and producing so good, now I am thinking what happen if they close the season today, where our industry is going to be? In other words, people is almost you know forgot to eat oysters. We going to hurt the business wherever you look. Also you got plenty young ones, you know, with brand-new boats and also I got a couple of people work for me. What happen if they close the season today? Going to lay them off and everybody going on unemployment. We got enough employment right now. You got to look at everything, you know, straight.

I been to the Louisiana Oyster Growers Association, the Plaquemines Oyster Association, and in other words, you know, I am disagreeing with everybody. Most of my point, you know, we need





the fresh water, this industry, and clamshell, you know, something like that. Mainly my problem is oil company, you know. They are throwing the pipe, you know, all over, and one boat was sunk yesterday. Wherever you dredge right now, you know, the Black Bay, someplace like that, they catching the pipe. Nobody telling nothing. In other words, nobody checking, nobody passing by and nobody telling nothing. Somebody supposed to tell them to stop that, that is our living there.

My point, you know, I think I agree you close the season March 1.

THE CHAIRMAN: You recommend March 1?

MR. PIAZZA: That's right.

THE CHAIRMAN: Thank you. Mr. Vegas, you wanted the biologist's report read. They gave us a preliminary report and we are waiting for the input from this group here, your group, before we get a final report, and it will be read, I am sure, at the December meeting. We have not finalized anything because we were waiting to get the recommendations of this group.

FROM THE FLOOR: You say it will be read



at the December meeting?

THE CHAIRMAN: Yes, sir.

FROM THE FLOOR: Then you won't be able to act then.

THE CHAIRMAN: I don't see any reason why not, under the emergency procedures act. Does anyone else wish to be heard this morning?

MR. LEOPOLD TALIANCICH: Mr. Chairman, Gentlemen of the Board, ladies and gentlemen in the audience, I am kind of in the middle of this deal. It starts off, no matter which way I go, I am going to lose some friends. It starts off with whether we are going to go by conservation considerations. I don't know what the exact recommendations are. Or if we are going to go by economics of the business. It comes down to the fact that we need both of them. It is kind of, no matter which way you go, you are in a jam, and it looks like if it comes down to the economics of the deal, it comes down to the politics of the deal, which will end up dictating compromise.

Everybody has got their own axe to grind but I hate to see them grind them against each

other, make a lot of wild accusations, wild recommendations, because that only hurts. As far as fresh water or salt water, that was something that was beyond our control. We have got industrial development that has got to be developed. We have had erosion that eroded our fish shoals away and a lot of salt water intrusion. It was unfortunate in the industrial development that a lot of canals and stuff had to be dug.

To open the Bonnet Carre Spillway, I don't see where that is going to do Louisiana people any good. I can only see where it is going to hurt us. Our problem is to get our fresh water down there in the Nigger Lake area and American Bay area with hurting anybody as little as we can. One of the things to get the water in there now is to go ahead and get Bayou Lamoque open. The structure is supposed to be finished. The river is at a pretty good level and as much water as we can get through there, the better off we are going to be.

Thank you, gentlemen.

THE CHAIRMAN: Thank you. You make a lot of sense, Leo. Anyone else?



MR. WILLIAM KASS: Gentlemen, I feel sorry for you men sitting on this Board. You have a decision to make which is the future of these fishermen and producers and everything else. Let me just state this. If you close January 1, you are going to be damned because with the stealing that is going on, some of this stuff is going to be stolen and you are going to get blamed for it. If it is closed March 1, the little oysters that are going to be sacked and wasted, you are going to be blamed for that.

THE CHAIRMAN: You sound like my wife!

MR. KASS: Mr. Chairman, I feel sorry for all of you all because this is something that you are going to have to take in hand, but I do feel that for one time this industry has sat down and respected each other. These men have different dates, they are not fighting over it, they all believe in something what they feel. But, gentlemen, either way you go, we are going to get hurt. This is a hard decision to make and when I say stealing, I mean stealing, because the week before the season opened, there was two boats in



Hackberry Reservation, which I continued to report it, and it took getting a state Senator out of bed on Sunday morning to get him out of there. Also, there is stealing going on right now on this same closed area. There is a boat out there that is dredging with no name, which is a violation, a registration marked on the boat. He is dredging in the reservation. The other day he was boarded by a Conservation man. He bluffed the man into believing he was on his own leases in the middle of a sanctuary.

Gentlemen, I feel sorry for you, because you are going to get shot at. It is going to be a hard decision, so what are you going to do is try to conserve what you have out there and keep the thieves off or are you just going to let it be sacked and worry about it next year? A lot of our lives and a lot of our future depend on it so, gentlemen, just do your best.

MR. GILBERT: Do you have a recommendation?

THE CHAIRMAN: He made it a while ago.

MR. KASS: I made it from the association.



I stand neutral as the president.

THE CHAIRMAN: Let me say this. Any time you find a violation out there, if you don't get satisfaction from whomever you call, you call me or any member on this board and we will get with the Chief and work the problem out.

MR. KASS: Well, I will tell you what, I fly a lot and I find them out there and I report them, but this same man --

THE CHAIRMAN: Whom do you report them to?

MR. KASS: I call this office. When this office is not open on Saturday and Sunday, I try to get to the Enforcement. Like I said, I got one of the state Senators out of bed one Sunday morning and he got some action because he didn't like that. One of the men that came out last week, I think it was Captain Pete had reported him, and that is one got bluffed off the boat. Now I think maybe you need some schooling for some of these men boarding these boats out there. You know, if they are going to steal from the state, they don't think nothing of stealing from us when they are crossing our bedding grounds.

But getting back to the closing of the season, I feel that if you are going to close it January 1, you are going to need some enforcement and if you don't close it January 1, you are still going to need some enforcement, because I challenge anybody to show me that every boat on that wild reef right now is legitimate. I have boats out there myself and they are so illegitimate it ain't funny, I can hang my head, but it's either that or survival or nothing.

THE CHAIRMAN: Let me ask you this, which one of our agents was bluffed off that thing?

MR. KASS: I don't know which one. It came from the marine lab is all I understand. Captain Pete might know, he is the one that called.

MR. VUJNOVICH: Gentlemen, I called the marine lab because at least one of the boats was fishing on the lease that was taken away from me, and they had a gentleman that gave me a very, very satisfactory answer. It was fast, it was impossible to be any faster, because I happened to be out there that day and I was resurveying some of my old leases, and I told the surveyor, do you have a

radio on there. He said yes, and I said call Captain Sanders, call the marine lab to send a boat out there, there is two boats fishing oysters out there. So when the boat came, he came where we was leasing, and the gentleman talked to me. I don't know who he was, an elderly man. He told me, Captain Pete, those people are dredging on their own leases. I said, well, anybody in Hackberry Bay don't have a lease, the only person who had leases there was myself and they were taken away from me, so if he is dredging in Hackberry Bay, he is violating the law. That was all I had to say.

THE CHAIRMAN: What date did that happen, Captain Pete?

MR. VUJNOVICH: It was on a Tuesday, but he had stopped these boats before. Now I don't know which boats he stopped but there is one man has a lease in there and the shoreline washed away. I call it Hackberry Bay but they call it something else so it don't make much difference. But these two boats, they are constantly in there. I believe it wouldn't take no trouble to catch them but one of the reasons I believe why they are not being



caught is, as you know, all your boats have the emblem, the decal, and they see that through the field glass, and they pick up their dredges. Like one of the surveyors told me, I seen them in there but their dredges were out of the water. They had a few oysters on deck. So what can the man do?

THE CHAIRMAN: When you see them there again, call Mr. Angelle. He will take care of the problem.

MR. VUJNOVICH: I will gladly do it. It is no problem. Any good sunny day, especially he is working mostly an hour or two before dark and until about eight o'clock in the morning, and then he takes off.

SECRETARY ANGELLE: Is he a local person?

MR. VUJNOVICH: I don't know the gentleman but one of the boats is called the MARSH HEN and the other boat don't have nothing at all on it, no number, nothing.

THE CHAIRMAN: The MARSH HEN?

MR. VUJNOVICH: MARSH HEN, that's the name he has got on the boat. It is a little oyster flat-bottom skiff that carries maybe 200 sacks of



oysters. I am out there four, five days a week and it has constantly been going on.

THE CHAIRMAN: Would you call it to Mr. Angelle's attention the next time you see it?

MR. VUJNOVICH: And also those people opened up the Hackberry Bay area about four days before it was supposed to be open. That's the best I can say.

MR. JOHN FARAC: They kind of caught me off guard, I was the first one to speak, but since I have heard the rest of them speak and talking about all these youngsters in the oyster business and the old people in the oyster business, I believe I don't think I am young any more. I happen to be 58 years old and I think I am just about as old as Mr. Vujnovich over here, and to my experience in the oyster business, the season has always been opening from September to May. I remember when I was a youngster, throwing them shells on the shell pile and rebed them, and the best time for your seed is in May and June. I don't know the reason why they want to close the season in March. Nobody specified a reason why they want to close it.



Because they have some spats out there? There is spats out there from the day the season opens until the day it closes. These boys in the fishing business right now that they call youngsters is making a better living right now than when the season first opened up. Nobody said the reason why they want to close it, on January 1. Why they don't leave it up to the Wildlife and Fisheries? They have got biologists and so forth and so on that is checking into this stuff when to close the season, when to open the season. Last year they wanted it in April. They started on April and then they wind up on April 25.

Well, since I came up in this business they only had one opening date. They always been opening from September to May, but all at one time they wanted to make some kind of changes. So I can understand people that got natural growth beds on the west side of the Mississippi River. Fine, close the beds on the east bank, so they can wind up with \$10, \$12 a sack for their oysters, and the rest of us is going to starve to death!

We have got families. We had two storms



down at the mouth of the river, Betsy and Camille. I was wiped out twice. I was one of the biggest at one time. Now I am the smallest. Plenty of these fellows never even got hurt. I have got an obligation day to day that I have got to meet, the federal government every month I have got to meet, meet my notes. The rest of these boys got new boats and got obligations to meet and they got families and they got to live.

I believe in live and let live. Thank you, gentlemen.

THE CHAIRMAN: Thank you.

(Applause)

Does anyone else wish to be heard?

FROM THE FLOOR: How about the biologist's report? Will it be ready today?

THE CHAIRMAN: December, I think about the 12th and 13th. December 13. The final decision won't be made until after we get the input from this meeting here. I don't know whether Harry has any report he wants to make this morning or not.

MR. SCHAFER: Mr. Chairman, this was set up so that we could get input from the industry



today and then the decision would be made at the next meeting, which would be December 13.

Also, while I am up here, a report on Bayou Lamoque, which you heard mentioned several times. The work was done. It took a long time to get the thing started and they had to move some pipelines and some wires overhead in order to do the work and they are on the last phase of it now. They completed everything that was in the contract. They found we had some money left over to do a little dredging on the little channel that goes to the northwest, where we want most of the water to go, anyway. With the money we have left over, we are having that thing dredged out. They have been working on that for a week now and it shouldn't take more than a couple of weeks to get that thing completed but we talked to Public Works today and they said we could go ahead and open some of the gates that will not interfere with the dredging of that little channel that they are working on. As soon as I can get back with the Department of Public Works, we are going to see about getting some of the gates opened so you will have some fresh water



flowing in there pretty soon.

THE CHAIRMAN: Good. Thank you, Harry. Anyone else? Yes, sir.

MR. ROBERT BURAS: I am from the Empire area and I am new to the oyster industry. I have just been in it for about four or five months now and I will be one of the victims that's hurt by this closing January, but it is not going to hurt me that bad because I have 10 years with Tenneco Oil and I work for an oil company and I am just trying to switch to the oyster industry.

I would like to speak for some of my friends from Empire. A lot of these fellows here, they have new boats, boats that they just purchased. They have families, and I think deep consideration should be taken before a date is set for closing it. Thank you.

THE CHAIRMAN: Thank you, sir. Did you have a particular recommendation as to the date?

MR. BURAS: I think March 1 would be a comfortable date. I don't think a couple of months early in closing it would really hurt them that bad but I really do think January would really put them



in a bind for next year.

THE CHAIRMAN: Thank you. The Chair would just like to see a show of hands from people in the audience who would like to see January 1 as the closing date. If you are in favor of January 1, raise your hand.

(Show of hands)

Six on January. All right, let's look at February. Anybody in favor of February 1? None.

All right, how about March 1? Hold up your hands while I get a count.

(Show of hands)

How about April? May? One April and one May. Yes, sir.

FROM THE FLOOR: I am quite sure if it was to be a head count, you wouldn't have enough room in here to hold the fishermen. That's right. We didn't expect it to be a hand vote.

THE CHAIRMAN: Well, this isn't really significant. I just wanted to kind of get a little input on who was represented here. I don't quite get your point, sir. Do you think we are going to use this poll as a means by which to set the season?



FROM THE FLOOR: I was under that impression.

THE CHAIRMAN: No, sir. No, sir.

MR. LUTTRELL: We have two groups here, and you are with Empire. What's the other one?

FROM THE FLOOR: The Oyster Growers Association.

MR. LUTTRELL: They happen to have about 30, 35 people represented and the other group has about six or seven people represented. Is that what it boils down to today?

FROM THE FLOOR: Yes.

MR. LUTTRELL: That's fine. I just wanted to understand things. I like to try to vote right.

MR. LEOPOLD TALIANCICH: Gentlemen, as you know, I stated my name before, Leopold Taliancich. I hate to take up your valuable time, re-discussing any of this, because if we are going to discuss it and all go into our personal business and that, we can be here for weeks, and boy, nothing I would love better, because if they want a filibuster, I can give it to them. But regardless, like I said before, personally I would like



to see it closed January 1, but I think with the reality of things we will end up with some kind of compromise.

But when a lot of people come up here, giving us tears, especially when they are crocodile tears, I hate that, because a lot of these people that is crying have got other businesses. There is only one man honest enough to state he has got another job. Me myself, you will hear them refer to me as a big fisherman. Well, I take it as a joke because there is a hundred ways you can mean that. If they mean in weight, I am the biggest fisherman, and if they mean in production, there is a lot of ways you can take that because I am an owner-operator of my boat. I have been all my life and my daddy and each one of my brothers own and operate boats. That's why the first thing they are ready to holler at us, "Oh, the big fisherman!" Sometimes look twice and see who is the big fisherman.

I take care of my financial business and make sure I stay on a solid financial footing. I hate, like I say, to see anybody get hurt, but we



are not the poverty program. A man has got to look out for himself. You know, even the Good Lord can only help them that help themselves.

Thank you, gentlemen.

THE CHAIRMAN: Thank you, sir. You have made a lot of sense here today. Yes, sir. This will wind it up.

MR. JURISICH: O. K., we have been hearing a lot of people giving their own personal feelings and so forth but there is still only one fact and one fact in here, and that is the only way you are going to have more oysters over there is have fresh water. Like I stated earlier, you can close it any time you want. Until you get fresh water over there, you are not going to have more oysters. It is a fact. It has happened the past three or four years before this last year. When we had the high river and we had the fresh water, we had oysters. You can debate all you want about closing it and it ain't going to do no good.

THE CHAIRMAN: Thank you. Yes, sir, just a minute and then we are going to bring this to a halt.



MR. VUJNOVICH: Fellow Board Members and Mr. Chairman, either way you all close, January 1 or March 1, it is not going to help the coming year too much, so anything you all do -- if you all close March 1, I would ask this, that during the 60 days that the season be open from January 1 to March 1, that you have the enforcement agent board these boats and check them and make sure that they do not do like they usually do, bring the little seed oysters to sell to our customers.

As one oyster fisherman put here, he said that the oysters are moving. Well, I have got news for him. I got out of the dealer business on account of that. I could not overcome my overhead because the customers I was serving did not want to buy the little oysters, and the people that are left as dealers in the Louisiana oyster industry are having problems, too.

So, if you close it January 1, which I sincerely recommend, or either way, but then as there is a shortage of oysters and the boys have invested a lot of money like personally myself, and what is 60 days more, because during those 60



days they will only be able to work about 30 days out of that because that is our two worst months in the oyster industry, January and February, northwesterners and stuff like that. So you all do what you all want. Let your conscience be your guide. Thank you.

THE CHAIRMAN: Thank you. Mr. Ensminger.

MR. ALLAN ENSMINGER: Am I supposed to talk about oysters or fur? I feel very familiar with these comments these oyster fishermen are making, Mr. Chairman. As you and I and the Director and many of the Board members have often discussed, these marshes in southeast Louisiana are deteriorating at a very alarming rate. Certainly the problems that face the oyster fishermen are parallel to the ones that face the duck hunter and the fur trapper and everybody else here in this part of our state and certainly I think that the oyster fishermen have finally come down to a point where they are going to get their stuff together and go and join with these other resource managers and try and insist that something be done to restore these southeastern Louisiana marshes.



A massive diversion channel somewhere around the head of Bayou des Allemands to put some fresh water down into the Barataria Bay system would be of tremendous economic value to the oyster industry. It would rejuvenate the trapping industry in the marshes along Bayou Lafourche and the upper end of Jefferson and Plaquemines Parishes. Certainly some type of large structure further up the river on the east bank would have a tremendous influence on the oyster and certainly the trapping industry. Many of these oyster fishermen were young trappers back in the days of the crevasse over in Carnovan and their fathers and grandfathers made a lot of the money that they founded their oyster business out of trapping muskrat following that big break in the Mississippi River levee.

Certainly the points that they have made here with regard to fresh water introduction are parallel to other types of management, but to get on to the business that I have at hand for you, in years gone by, of course, Louisiana has led the nation in fur production. For many years we have been number one in the nation. Last year we



produced \$25 million worth of fur in our state and this was divided up among about six or seven thousand trappers. This represents probably 16 or 17 thousand people that were involved either in skinning nutria and muskrat or helping their parents trap or run their trapping operations in these marshes, so certainly the fur industry is an extremely important part of our economy..

As in all the environmental natural resource-oriented industries, we have had a tremendous amount of pressure put on us by the eco-freaks of this country in an effort to try and close trapping through the banning of leg-hold traps --

THE CHAIRMAN: Would you call them by that name one more time? (Laughter)

MR. ENSMINGER: Well, I think probably eco-freaks is as good a description as anything, Doyle. They are well-meaning people that are aware of problems that are occurring in our environment and they have different opinions and ideas of course from wildlife managers and they feel that total protection of an animal is the only



thing that is required to make it flourish and reproduce and certainly as wildlife managers we have found out in the early part of the century that this wasn't the answer, that habitat manipulation is the answer toward producing these resources, and certainly wise utilization of a resource requires some harvest of the surplus animals. In the fur industry this has been proven many, many times. Of course, the leghold trap is the most effective means by which to harvest furbearing animals.

In Ohio a referendum was put before the voters recently. It was defeated by about 60 percent of the voting public in Ohio and once and for all should establish in the eyes of the nation that this is an emotional thing and that in fact trapping is not bad and certainly is an important part of the economy.

In Louisiana we have been called on in recent months to provide a tremendous amount of information to defend the continuation of the trapping of the bobcat and the river otter in our state. Louisiana has probably led the nation in the production of otter skins for several years.



There is a move afoot now to set a quota on the number of otters and bobcats that can be taken out of Louisiana and put into national trade and into international trade. We suspect that this same type of move will be forthcoming in many of our other fur-producing animals.

What we are here today requesting that the Board do is request that our fur buyers report to us at the close of the 1977-78 trapping season their transactions with regard to the number of animals purchased based on the parish by which they buy these furs. We are not interested in what they pay for their furs and what-have-you, but we do need for our use and to defend their own industry better information with regard to the number of animals that are being taken and where those animals are coming from in Louisiana.

The dealers report to us, and this of course is where we collect our severance tax, and we see no problem with regard to this part of the industry, but we certainly do need some additional information and we feel that this can be gained from the buyer level.





A few years ago Greg Linscomb working in the fur division got about a 60 percent voluntary response to a questionnaire that he sent to the buyers. Some of them were able to distinguish where they bought their furs from their records. Others responded that they didn't know exactly what parish they came from but they gave him an estimation of where they felt that most of their furs came from.

This type of information is extremely valuable to us and I think it is something we are going to have to have to perpetuate our industry. I would like to request that a motion be made to request the buyers to report this to Greg at the close of this coming season.

Before we move on into other business, of course, today is a memorial day more or less for Ted O'Neil who is retiring at the end of the month. We are having a luncheon for Ted after the Board meeting. I know a lot of you oyster fishermen know Ted O'Neil from his early days. He wandered around over your marsh and ate some of your oysters off those reefs, I imagine, to sustain



himself, but certainly Ted led the State of Louisiana in marsh ecology, produced the first PR report. PR No. 1 in Louisiana was the Louisiana muskrat book and it has been used by marsh managers certainly in Louisiana and throughout the United States and in foreign countries as a guideline on some of these marsh ecology type of projects. Certainly we want to congratulate Ted for a successful professional life and certainly one as a retired businessman. I hope he makes a lot of money now that he has got out of the State government.

Thank you.

MR. JONES: I move we adopt that resolution.

THE CHAIRMAN: We have a motion. Do I hear a second?

MR. LAPEYRE: Second.

THE CHAIRMAN: Seconded by Mr. Lapeyre. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered.



MR. JONES: Mr. Chairman, may I say something about Ted O'Neil?

THE CHAIRMAN: If it is nice.

MR. JONES: Part of it is. Where are you, Ted? Can you hear me? I don't want to say it without looking you in the eye.

MR. TED O'NEIL: I hear you, Jerry.

MR. JONES: You know, one thing about Ted O'Neil. Ted O'Neil has the greatest wealth of information in his head of any man I have ever seen in the wildlife business, and Ted is respected by a lot of people. I just found one problem with working with Ted and that is to get that information out of his head and come through his mouth. I have had more fun in seeing Ted squirm when we come up and ask him for a specific recommendation. I think he was sincere, because he realized, like these oyster people, that there are pros and cons about setting dates, this date and another date, and he really didn't want to offend anybody. I think he was always interested in the little guy that was down the line, but it is sure difficult to get that knowledge out of Ted's head and through



his mouth. He wanted to hedge around.

THE CHAIRMAN: I don't ever recollect you getting it out of his mouth. I have seen you try a few times!

MR. JONES: Ted, I say thank you.

THE CHAIRMAN: That goes double.

MR. O'NEIL: Well, I will tell you, Jerry, when you have worked a long time with God's chosen people in the fur industry, you learn not to pop off too much!

(Laughter)

MR. LUTTRELL: Exactly what I wanted to say, Mr. Chairman, if it is all right. I had the same problem in the beginning that Jerry had and I began to figure that there had to be a reason. There is usually a reason for the wind to blow and the flowers to come out in the spring and oyster fishermen to gripe and shrimp fishermen to gripe and hunters to gripe and other things. So, I felt Ted had a good reason for withholding all this valuable information and he has got it, he has really got it.

I found out if I made him know in a hurry



early that my intentions for getting the information were good, boy, I could get it, but if you don't let Ted know what you are going to use it for, then you are just wasting your time. That man has more answers, more ways of saying no, that sound like yes, than anything I have ever heard in my life.

I found out a long time ago you listen to Ted O'Neil and you listen to every single word he says, because if you don't, you haven't understood what he told you.

Thank you again, Ted, for knowing you.

THE CHAIRMAN: Thank you, Mr. Luttrell. Mr. Herring, we will skip Mr. Smith on No. 4 until the January meeting. It got on here by mistake.

He scared me for a minute, Ted. I thought he was going to tell some truths on you!

MR. JOE HERRING: Thank you, Mr. Chairman. I don't know whether this is going to be like the oyster problem this morning or not. We had some discussion on here concerning the possible change in trapping season and hunting season for raccoons on our Russell Sage Wildlife Management Area.



I might say last week Mr. Gilbert, Cliff Williams and members of the District Two Office and myself met with these people up there. We had a discussion on it last month at the meeting, what changes to make, if any. Coming out of that meeting that we had up there, the coon hunters wanted to keep the season as it had been set. The trappers would like to have an earlier season on there, but there were no real concrete recommendations to come out of the meeting that we had.

I think Mr. Gilbert will have something to say on this, but at this time my recommendations would be as we have already set them and they are printed in the pamphlet, and that is the dog hunting season be December 1 to January 15 for 46 days and the trapping season January 16 to February 28 for 44 days on our Russell Sage Wildlife Management Area. We had some other areas up there that we were trying to work with on the trappers as well as the hunters, especially our Cities Service Wildlife Management Area, which is fairly close to it. We alternated around. While the dog season was on this area, the trapping season would be on Russell



Sage and vice versa, so it would give the two people places to trap and places to hunt at the same time and not have too much of a conflict.

We have some other areas up in that general area, Jackson-Bienville which does not have a dog season. It does have a 73-day trapping season. Our Union Parish Wildlife Management Area in that area also does not have a dog season but has a 90-day trapping season. Our Georgia-Pacific Wildlife Management Area also in District Two there only has 13 days of dog hunting, November 12-24, and yet it comes back with 74 days of trapping.

I think when we were coming up with our recommendations to the Commission and to the hunters and to the trappers there that we tried to give what was wanted as much as possible up there and work out something that was fairly agreeable with everyone. It seems sometimes like after the recommendations do come out, you do have some interested parties that are not satisfied. They do come back and want to change.

My recommendations at this time would be to leave the seasons as set.



THE CHAIRMAN: Thank you, Joe. I am of a good mind to call Ted up and ask him what he thinks about that. Come on up, Ted, and tell us something. I want to hear you one more time.

MR. TED O'NEIL: Doyle, that is a typical example of the way you squirm to try to help as many of the little ones that you know are going to get hurt and see if you can't humor as many of them as you can and put them in the right frame of mind before you call the lines black and white. There are always gray areas that you are trying to adjust.

THE CHAIRMAN: You know, that is the first time in my years with the Commission I ever heard you say black and white, it has always been gray, Ted.

MR. O'NEIL: You know, while we are up here, the fur people are not people that will tell you anything and they do communicate by radar system. You see a houseful of fur people, you won't see any conversation, but they all know what everybody is thinking in there and they are all looking at the fur and they all know what everyone is going to bid so close, and they develop a type of





communication by not talking too much.

Now we might get a Wildlife and Fisheries that gets way out on the end and starts doing a lot of popping off and you will see them begin to quiet down a little bit later, and the first thing you know you will have some newspaper reports coming in against them, and then they will say, "Maybe I did talk too much!"

THE CHAIRMAN: You still haven't said anything! Thank you, Ted. Mr. Gilbert.

MR. J. C. GILBERT: Joe, did I understand you to say that there is no dog season for coons on Jackson-Bienville and Union? Is that right? That is the only question I had.

MR. HERRING: I had to look it up real quick to make sure on that thing. I hope I am right. That's right. Trapping December 1-16 and January 2-28. Just a dog season only.

MR. GILBERT: No dog days on Jackson-Bienville and Union? O. K., thank you, Joe.

MR. HERRING: No, wait a minute, you said Jackson-Bienville.

MR. GILBERT: Jackson-Bienville and



Union, too. Both of them.

MR. HERRING: That is right.

MR. GILBERT: O. K. Mr. Chairman, you will recall that at our October meeting I was instructed to get with Joe and have a meeting of the coon hunters and the trappers that hunted and coon-hunted on Russell Sage, which we did. Before I did that, I did quite a bit of research on it and at our meeting in Monroe May 13-14 of this year, where we listened to recommendations on the seasons and the bag limits, in going through the minutes I found that only one man who was a coon-hunter made a recommendation as to the dates and only one man who was a coon-hunter; one trapper and one coon-hunter made recommendations to the Commission.

Now the Commission accepted the coon-hunter's recommendations almost verbatim. They recommended on Russell Sage December 1-February 15. We set December 1-January 15. On Cities Service they asked for January 15 opening. We put it January 12. They asked for a November 15 opening on Georgia-Pacific. We put it November 12. So we went almost verbatim with what they wanted.



However, when it came to the recommendations of the trappers on Russell Sage, they asked for a December 15 opening for trapping. We gave them a January 16, which is of course 30 days later, so I don't think that we treated the trappers quite right at that particular time.

In Monroe, within 50 miles of Monroe there are five wildlife management areas. On four of them the trapping dates are opened December 1, and that is what the trappers tell me is the best time for their furs, December and January. On four of the wildlife management areas, we opened the trapping on December 1. The one that is in contention, Russell Sage, for some reason we opened January 16. I am convinced in my mind that the best time for the pelt is December and January, so what we did by setting a January 16 opening, we gave them only 15 days of prime time for their pelts.

Now I have the utmost respect for Joe Herring and his entire staff, but I do believe in my mind and after talking to the trappers in that area that an error was made. When I feel that an error has been made, well, I would like to see it



corrected.

Now I am going to ask the Commission to make some changes on Russell Sage only, to put them more in line with the other four wildlife management areas in the Monroe and northeast Louisiana area. Today the coon hunters have from December 1 to January 15 on Russell Sage. I am going to recommend and ask that the coon hunting dates be set at December 1 through December 15 and January 16 through February 15. Now that is the same number of days, no change in the number of days. I didn't hear any complaints in the number of days that we allotted the trappers and we allotted the coon hunters. The only thing that they are complaining about is the dates on which these days were allotted.

I am recommending coon hunting dates December 1 through 15, January 16 through February 15. On trapping dates, I am recommending December 16 through January 15, and February 16 through the 28th. That again is the same number of days, not making any change in the total number of days allotted to the coon hunters and the trappers.

Now this is not going to please all the



trappers nor all the coon hunters. The coon hunters have a much greater, and I would say a much better, lobbying group. They have more finesse about them. The trappers have got to have somebody to depend on and I feel that an error was made when we pushed the opening of the Russell Sage trapping season to January 16. I am recommending that those dates be changed.

MR. WILLE: Mr. Gilbert, why don't you just make that in the form of a motion? Put it up before the Board.

MR. GILBERT: Yes, I will make that in the form of a motion then, that the coon hunting dates on Russell Sage only be December 1 through December 15, January 16 through February 15. Trapping dates be December 16 through January 15 and February 16 through February 28.

MR. WILLE: I will second that.

THE CHAIRMAN: We have a motion and a second. Before we vote on this, the Chair takes no position. I have a telegram I received yesterday afternoon which I think I should read for the record's sake. It is addressed to myself as Chair-



man and Commission Members. It says, "Jointly oppose any change in season regarding raccoon hunting with hounds on Russell Sage Management Area. Season as published highly satisfactory. Signed, Louisiana Coon Hunters Association, Northeast Louisiana, and Northeast Louisiana Coon Hunters Association, Ouachita Valley Hunters Association, Morehouse Coon Hunters Association, Rodney Lafoon, Legislative Counsel to Louisiana State Coon Hunters Association."

However, I do concur with Mr. Gilbert that apparently there has been a wrong done to the trappers. If we have the seasons opened in the other four areas, we should have them all run concurrently.

We have a motion and a second.

MR. LUTTRELL: Mr. Chairman, before you vote, you know and I suppose the majority of the people that have been here in the past five or six years that I have been on the Commission know that I oppose strongly publishing a regulation, have it in the handbook, in and out of everybody's pocket, and then changing it. However, this Commission



should be big enough, when it makes an error, which it seems from what our cohort has said this morning is true, that we should admit that error and change it, so I vote to change it.

THE CHAIRMAN: Gentlemen, we have a motion and a second. All in favor say aye.

IN UNISON: Aye.

THE CHAIRMAN: Any opposed?

(No response)

So ordered. Sorry, Joe. You lost that one.

We will set the December meeting for the 12th and 13th.

Is there any other business before the Commission? Mr. Kass, I believe you had something.

MR. WILLIAM KASS: Gentlemen, the Louisiana Oyster Dealers and Growers Association sent a letter to the Commission, to Mr. Berry, and I would like to read it out at this time, if you don't mind.

It says, "Louisiana Oyster Dealers and Growers Association strongly recommends that before a letter of no objection is issued by the Department of Wildlife and Fisheries to any applicant for



drilling and/or construction operation in Louisiana waters that the said application be read at the next meeting of the Department of Wildlife and Fisheries and that the interested parties be given opportunity to voice their opinion and/or objection. If any objections are raised, then the Association further recommends that a biological study be ordered to determine the long range effects of the operation on the oystermen and other marine life in the area and that the decision to issue or not issue a letter of no objection be based on the results of this study."

Gentlemen, I think you heard that a lot of talk was on this today. This is from the Louisiana Oyster Dealers and Growers Association. You have an association from Empire and it is my understanding they feel the same way, and that is why I wanted to read this while both associations were here.

THE CHAIRMAN: Mr. Kass, I received your letter and appreciate it. However, I don't think you are familiar with the number of applications that are processed through here. There are some





4,000 a year and if we read and took hearings on each one of these applications for a year, on 4,000 of them, we would be here about 36 hours a day about 400 days a year. There just is not enough time.

MR. KASS: Then I ask if some other solution can come to, to keep these letters of no objection from going into the Corps of Engineers where we find out about it when it is too late. The primary concern was the seed ground reservations, which I don't think you have that many going through the seed grounds.

THE CHAIRMAN: You just changed. You said seed grounds and in your letter you said all permits.

MR. KASS: Right. This is where it was brought to the associations about it, because I think it was last month I brought you all's attention -- no, it was two months ago -- the one in Hackberry, in which there was a letter of no objection and it went through two oyster reefs. The only reason it was stopped is because we stopped it at the Corps of Engineers, and the only reason



I knew about it was because I had a suit going against the same oil company on the same operation.

We need some kind of way of letting the public know or the fishermen know ahead of time, because like I say, there was two reefs in a seed ground sanctuary, and I don't want to bring up the old conflict, I don't want to get between the Mineral Board, but I think the Wildlife and Fisheries' objective is the oyster, and we do need some protection. You have heard how scarce oysters are and this is one of the big detrimental things to the oyster industry. I think quite a few men voiced their opinion in that.

MR. JONES: The solution to your problem is for your association to get on the mailing list of the Corps of Engineers.

MR. KASS: The one big problem to it is we only meet once a month.

MR. JONES: Well, the Commission does, too. What I am concerned about, I have no problem with our department cooperating with you but what concerns me is we get the same notice that you can get and if for some reason we don't let you know,



some foul-up, we are the culprit. Why don't you all get on the mailing list and then you will see the application come out and if it is one that concerns you, then you get in touch with our Department. Then we will only be concerned with those that you all think are going to do some damage and we won't have to worry about the rest of them.

MR. KASS: O. K.

MR. LUTTRELL: They will mail you every one. I asked for the same privilege.

MR. JONES: Put you on the mailing list, it won't cost a thing, the Corps will.

MR. LUTTRELL: It doesn't cost you a penny.

MR. JONES: You get a copy of the application.

MR. KASS: O. K., would it be asking too much that from now on when oyster seed grounds are being affected by drilling operations or dredging operations, that this Wildlife and Fisheries does not issue a letter of no objection until it is checked out. I think it was brought to you all's



attention that it was not checked out. Would this be asking too much of the Commission?

THE CHAIRMAN: Mr. Kass, Dr. St. Amant's staff, I believe, worked that problem out pretty thoroughly.

MR. KASS: It wasn't too thorough last meeting, because we brought it up, and this is what we are concerned about. These seed grounds which I think are your responsibility and not ours.

MR. JONES: You see one of the problems is that this Department is called upon to comment, issue letters of no objection, on a vast number of applications, and I am quite sure, without asking Dr. St. Amant or Harry, that it is impossible to take every one of them and do a vast study on them. We just don't have the people, the time and the money. But if you have those that you are concerned with, specific ones, and let the Department know that we are concerned with this permit, Texaco's permit so-and-so, then they can gear in on that one and give you the information, and if there is some problem, bring it to the Board.

MR. LUTTRELL: I got one just this week



about a canal down here, some little town it was going to run across, and I looked over the map, looked over everything. I doubt if any of these people did. Did you get it? Did you know about it?

THE CHAIRMAN: Mr. Kass, I will grant you that there are probably better ways to do it and we will certainly take it under advisement and study it and try to see if we can't reach some workable solution to it. I will grant you that the oil companies in the past and maybe presently are doing some things that aren't the best for the oyster industry and maybe for the marsh, but I also will call to the attention of everybody in this audience, if it wasn't for those big old nasty oil companies providing the payrolls they provide in this state and the taxes they pay in this state, you would be in one hell of a shape for your school system, for your welfare, for your highways, for jobs and whatever. They are paying over half the taxes in this state right now and if we had to go back and pay them as landowners and as business people, it would be some kind of burden



to us.

MR. KASS: Mr. Berry, I grant everything you say is correct, but one thing that I think you are failing to see is that when this oil runs out and this oil industry moves out of here and we go back to sailboats like they claim in the next 100 years, which I don't think is for real, we will have to depend on our natural resources that we have left, and that will not be oil. The thing that we are concerned about primarily, as I say, it started out with these seed ground areas, and I think there should be an objection in any seed ground area. If this Commission can take this seed ground area away from a fisherman and say he shouldn't be in there as a leased area, and then just turn it over to the oil companies with no objection, I think this is wrong.

This is what we are concerned about. These seed ground areas are getting smaller. We are being encroached on by fresh water, too much fresh water in certain areas. We are being encroached with too much salt water in other areas. This seed ground area has reduced probably some



90 percent, and we have some areas that just a letter of no objection is fired off and we would like to see at least a little effort taken if there is consideration of oysters there. We are not talking about all the water bottoms. We are talking about heavy concentrated seed ground areas, heavy oyster areas.

THE CHAIRMAN: Mr. Kass, I concur with what you say 100 percent but I think anybody who is in this room who is knowledgeable about the oyster business will tell you that 90 percent of your problems come from these levees stopping the natural flow of fresh water from the Atchafalaya and Mississippi Rivers into these areas to push that salt water back out and give you more grounds. I think that is the biggest culprit, really. I know we have got a problem in the oyster industry in this state and I know we have to work like hell to protect what we have got left, and I concur 100 percent. But I also think, and I have talked to several of the biologists this morning, including Mr. Ensminger, that our biggest problem is getting more fresh water in some of these areas where you



will have better oyster grounds.

MR. KASS: I would like to offer something else for you all to consider. It will be coming up, I know it is coming up under the coastal zone management, that all these canals and all that be dredged from now on will be backfilled and not just dammed on each end and the dams blow loose and the marsh is ate up. I would like to offer that you would look into the future of this and when they apply for these permits that that is one of the conditions.

I know a bunch of the coastal zone management forces are going to recommend this to the state and that all these abandoned structures and all be taken out. There is one seed ground area in particular that is not being utilized by the fishermen simply for one reason, and the biggest reason is that high pressure gas lines are laying on top of the leases. Just last week one boat was stealing oysters in Hackberry and he busted a 6,000-pound line. He is wrong for stealing oysters but I think that oil company is wrong for having that line on top of that reef. Then when you go check





into it, they say, well, that was done 25 years ago. Well, if that line is 25 years old, maybe the inspectors ought to be out here checking some of these lines.

There are also dead wells in these areas and if it is going to be a seed ground reservation, we need it to be held as a seed ground reservation. We have a pretty good hold across the river on the east bank because a lot of these areas are not infiltrated with oil wells. Some of them are. But there are certain companies have no respect for the bottom, and I think this is where the Commission is going to have to step in and protect us.

I would like to see you all really look into this thing and just have some objections to some of these operations going on.

THE CHAIRMAN: Mr. Kass, let me say this again. I am not in opposition to anything you are saying. I don't think you realize the pressure these oil companies are under today from Washington to produce more oil and gas. I don't think you realize what the balance of payments is doing, the billions of dollars every month flowing out of this



country to the Arabs and foreign nations and what it is doing to destroy our democracy now because we are consuming more than we are producing and we are getting more and more lopsided in it. If we don't get more oil and get more gas and more coal and more energy in this country, it won't be more than a couple of years you won't have to worry about it, because Big Brother with his hammer and sickle will be telling you how to run things, because we are going to be broke and out of business in this country.

We are closer today to losing our democracy and losing our freedom and our free enterprise system than we were ten days after Pearl Harbor. I am trying to think of the future of this country and the future of this nation. If we don't work together and find some mutual ground to cooperate on and get along on, we are going to get further and further behind the eight-ball, behind the power curve, and we are going to be out of business in this country. There won't be any more free enterprise system.

MR. KASS: I agree with you. The only



thing that I am really concerned about is saving these seed ground areas. I know the oil company has the lobbyists --

THE CHAIRMAN: I agree with you that that is a concern to save our seed grounds, but also of a greater concern to me is to save this country and the free enterprise system, and we have got to find some way to work together to do it.

MR. KASS: Let me call your attention to this, it is not all oil companies. Most of them are very cooperative but there are some that are just determined to run oyster fishermen out of areas, and I am determined to stay. I have been to the federal courts and I will go back again, and all I am asking is to be protected. Now the big thing we want protected is these seed grounds. My private leases is my private business, I guess, and I will have to fight it out, but it is just that it hurts when you go to the Corps of Engineers, and please listen to this, when you go to the Corps of Engineers and they ask who do you lease from. We lease from the Wildlife and Fisheries, Louisiana State, and he says, well, here we have a letter of

no objection from the people that own this reef. It is pretty hard to get that objection pulled out.

THE CHAIRMAN: Mr. Kass, I agree with you again, but also you tell me there is stealing on these seed grounds day and night.

MR. KASS: That's right.

THE CHAIRMAN: We need to work that problem out, too. I am sure the Chief here would appreciate any help you can give him in cooperating with him.

MR. KASS: Mr. Berry, let me say right now, the only thing that needs to be done is get out there and make a few cases and get it through the courts. I am not blaming you all completely. Some of the courts are just turning these people loose with minor fines and this is something maybe the Commission will have to come up with even a bigger fine if they are caught on these seed grounds, but I think the legitimate fishermen have been cooperating and giving all the help they can.

THE CHAIRMAN: Let me say this, Mr. Kass. The Director just brought to my attention that when they are stealing off these seed grounds, they are



stealing from the state, and that is a civil criminal matter. Your sheriff can just as well arrest them as the Wildlife agent can. If you don't have a Wildlife agent close by, grab you a deputy or grab you a sheriff or whoever, and go out there and make an arrest and get them off there.

MR. KASS: We have been doing that but we need some arrests -- it looks like they respect the Wildlife and Fisheries a little more because I can tell you of a few incidents when it got to court, the man was caught stealing and when it got to court and when he was all ready to be sentenced, the judge asked for the oysters he stole. One year later. The case was thrown out of court. We need some laws with teeth in them. That is all we need.

THE CHAIRMAN: And you would find some lawyer to pull the teeth out of that!

Is there anything else to come before the Commission this morning?

MR. JONES: Mr. Chairman, I have just got one last comment. I have served on this Commission for a number of years and I was here when there was a four-three split, but somebody put new microphones



and there are four gold ones and three silver ones for the members, and I think I got a silver one and it is time for me to call this meeting quits. I move to adjourn.

THE CHAIRMAN: Is there anyone else to be heard? Robert.

MR. ROBERT MURRAY: I am a wildlife ecologist from Baton Rouge. I came before you at the September meeting to discuss regulations on the national wildlife management preserve, former Red Dirt and Catahoula Wildlife Management Areas.

Just to briefly go through some of the history, I have it written down here. First, you set regulations for hunting on wildlife management areas that were on Forest Service lands along when you adopted hunting regulations for areas throughout the state. The Forest Service pointed out to you later that no agreements were signed and therefore the areas were no longer under your control.

This Department then by emergency Board action changed regulations to conform to existing regulations adjacent to wildlife management areas. In other words, you set the regulations to coincide



with those in the areas at large around them.

The Forest Service then announced that the two national wildlife preserves, Catahoula and Red Dirt, your first regulations, the ones you rescinded, would be in force. In other words, they took the regulations that you originally adopted and they adopted them as federal regulations. You have been requested to check out the validity of the Forest Service hunting regulations and I understand that you are satisfied that the Federal Forest Service does indeed have proper authorization to set hunting regulations on these two national wildlife preserves and only on these two properties in Louisiana. I don't object to that. I mean, I do object to it but I don't contend that that is in error. I think that they do have the statutory authority under the President's proclamation of those national wildlife preserves.

But what is unresolved at this point is the question of the procedures involved in setting valid regulations. Were the Forest Service regulations promulgated after a public hearing? Were proposed regulations published in the Federal



Register for public comment? After the Forest Service decided on these regulations, were they then published in the Federal Register?

I raise these points because the Forest Service regulations, although on paper essentially the same as your earlier regulations, may result in a substantially larger harvest of deer than your regulations would have. In other words, they are more liberal, in my view, than your regulations. For instance, has the area been or is it being hunted right now? Now your regulations, your published regulations, say it is open. The Forest Service regulations say it is closed. I don't have the personal time to go check it, and it is a good long ways from my domicile. I did have occasion to drive down the federal highway bisecting the Catahoula National Wildlife Management Preserve last Wednesday and I saw a good deal of traffic in there and I saw vehicles parked along the highway and I saw cars on the roads that left the highway, going into this former management area. Who is enforcing this closure if it is closed? I am wondering about that.





Here is our problem. Beginning with the December 17 either-sex hunting, I see no problem with the first day when the outside area is also open to either-sex hunting. There is a lot of competition for hunting space but on the outside it is open to dog hunting as well as still hunting. But how about from the second day on when deer with antlers will be legal only on the National Wildlife Management Preserve? The difference in your original season and in the Forest Service season is in the degree of control that can be exercised in managing the hunt.

Some local people have long been concerned that even your well-regulated and carefully monitored regulations resulted in excessive kills of mama deer. While I do not support that view, I am concerned about the possible effects of liberal regulations without the demonstrated ability to properly administer these regulations. What can keep this hunt from deteriorating into a five-day dog hunt? Your personnel have demonstrated this ability. The Forest Service has not.

Several suggestions. Have the Board



check legality of Forest Service procedures in promulgating regulations. If regulations are improperly adopted, consider seeking legal relief. If your decision is to go with the Forest Service regulations, I urge you by Board action, as an emergency action, change your regulations to coincide with the Forest Service regulations. Then I would suggest finally a statewide news release to inform the people that own that resource out there what the rules of the game are. There is still a conflict. It hasn't been resolved. There are published regulations by your agency which say one thing and published regulations by the Federal Forest Service that say something else. As a deer hunter, what am I to do?

I think the burden is on your agency to clarify this issue by a news release. There still exists a considerable misunderstanding regarding the Wildlife Department-Forest Service controversy. The burden of representing Louisiana hunters is clearly yours. You owe them a clear, concise statement of facts, what they can legally do. Can your Department assist in protecting the deer herds on



these two national wildlife preserves from excessive illegal harvests under Forest Service management?

After all, the Forest Service has regulated grazing since 1967 on Louisiana National Forest lands and have yet to demonstrate the ability to do an adequate job. I personally am deeply concerned when they assume management of our deer resources. I feel like that is correctly your responsibility and I do not question their authority. They might can set a deer season out there in July, regardless of legislative restraints or state laws to the contrary, but I do feel like that since you have formerly managed the areas and since you have published regulations on them, that it is your responsibility to clarify those regulations and get them to the public who are subject to being embarrassed out there by obeying the wrong regulations, since the regulations are in conflict with each other.

I think that that is what the Board should do as of right now, to maybe either direct the attorney to get into this thing and see where



we stand or else to take action as an emergency action, which can be legally done, I understand, without it having been on the agenda, to promulgate regulations that track the Forest Service regulations. In other words, endorse the ones that you originally had for the area.

MR. JONES: I have a question. I was under the impression that the Wildlife Federation was going to file a lawsuit. What happened?

MR. MURRAY: The Wildlife Federation may or may not file a lawsuit. They are considering a lawsuit. They are waiting for some evidence of violation of law on the part of the Forest Service. On these national management preserves there is no doubt in the Wildlife Federation attorneys' minds that the Forest Service did not exceed their authority. The Presidential Proclamation back in the early 1940's set aside and the Congress apparently had given the President that authority to make regulations on all wildlife forms on the area.

But the same proclamation proclaimed the areas primarily for wildlife and any evidence of management for other interests where wildlife



played second fiddle, which has been the case over many years on these areas, any recent actions on the part of the Forest Service or any continuing actions would be illegal, and that would be grounds for suit, or any breach of the management plan that your agency agreed to with the Forest Service on all their lands would be likewise illegal.

MR. JONES: We don't have any control. Ferrarelli threw us off.

MR. MURRAY: Well, all I am asking, I am not asking you to throw him off, I am --

MR. JONES: We can't.

MR. MURRAY: I am asking you to tell the people that you got thrown off and cite to them the authority --

MR. JONES: We have. Haven't we, Burt?

MR. MURRAY: Who did you tell? There have been news releases to the contrary of theirs. I get your news releases and I don't have in my file a news release that says that there is a conflict in regulations but the Forest Service was within their authority to set those, therefore their regulations shall prevail on these two



national management preserves. Simply what I am asking is that you let this deer hunter up there in Winn Parish know where he stands when he goes out there.

MR. JONES: I am not sure we know where he stands.

MR. MURRAY: Well, I would call upon you then as a constitutionally designated state agency to find out where you stand. You are the Fish and Wildlife agency of this state. If there is one, it certainly has to be you.

MR. LUTTRELL: Let me ask you a question. I want to differ with you.

MR. MURRAY: Well, I have heard several comments from the Chairman this morning, regarding the erosion of state rights and federal takeover and things like this, and I think that what I am asking is right in keeping with what you believe in, Mr. Chairman. I think that it is not taking from us in this case. I think that we are just leaning over and giving it to them. I think that we should at least --

THE CHAIRMAN: Let me tell you, Mr.



Murray, there has been a lot of conversation in this Commission concerning this problem, to look at all the legal ramifications. We are still working on it. You might say this is Round One. We have seen what sister states of Louisiana have done and we are somewhat following their pattern. We think in the long run it will be the best for the people in this state and for the wildlife management areas.

MR. MURRAY: Well, I have been keeping a little bit in touch with it in other states. I am kind of familiar with what has gone on and what has gone on in professional organizations about it. Recently I was at the Wildlife Society Southeastern Section meeting in San Antonio, Texas, and it was discussed at great length and a resolution was passed condemning some of their grazing practices in Arkansas, Louisiana and Texas. Also the forest supervisor pointed out after that meeting, and I don't believe him but I think it should be brought to your attention, he pointed out that Louisiana had no -- and he showed some pictures, with my federal tax money they are taking pictures of your



management area, our management area, the Saline Wildlife Management Area, on this small portion that is not fenced against livestock. They were circulating pictures of that, but he also stated publicly that the people who had livestock there had a permit from this Commission, and he restated that when he was corrected by a member of your staff.

I think that these things have bearing on it. Whatever you are doing, it is not getting out to the people. You have gotten a bad press in the Alexandria area and I think that it is clearly in the benefit of the Commission to clarify this thing. People are wondering where you stand on it.

THE CHAIRMAN: Well, we appreciate your comments, Robert, and we will continue to work on it.

MR. MURRAY: Thank you.

THE CHAIRMAN: Is there any other business before the Commission? I will entertain a motion to adjourn. It has been a very good audience this morning. We appreciate your being here, we appreciate your input. Come right on up, sir.





MR. LEOPOLD TALIANCICH: I would like to give a little credit where credit is due. As far as your agents, I have had some pretty good experience with them. They have been pretty cooperative and plenty of times they don't know their authority, what they can do and what they can't do. I have had people arrested upon my bedding ground in St. Bernard Parish and I wasn't even the one that complained about those people, and we got a conviction. I have had problems in Jefferson Parish where other fishermen came up and told me and told the Commission that they was out there stealing my oysters. Your agents went out there. I told them if they can't catch them, just make sure your boat is out there and that they know you are watching. I didn't have no more problems in Jefferson Parish.

I am going to bring up something which is to my embarrassment but I think it will show the dedication of one of your agents and the work he does. I know you have an enforcement problem because your agents are on a 40-hour week. You are not allowed to give them no overtime or nothing



like that. But about two weeks ago a man that was not working for me but he had my boat leased, and nine o'clock at night on a Sunday night I get a call to come to Empire. He took this boat out with some strangers from out of the state and he was going to steal oysters. Well, we figured about where they were going, so one man called the deputy and he can't do nothing with them, so I had to talk to the deputy to go out there and get my own boat.

The deputy called the sheriff and the sheriff ended up, he sends two deputies down there and your agent come down there. By the time he gets down there it is 12 o'clock at night. Those boys went out there and they caught them.

We have another agent that has been doing a lot of patrolling. I don't want to mention no names, one way or the other, but you have got some doggone good agents. You might have a bad one or two, I don't know; I don't know whether they are good or bad, but you have got some pretty damned good dedicated ones. That little boy at Port Sulphur didn't hesitate one minute to go out and they didn't know what them guys had out there, waiting



for them.

I thank you.

THE CHAIRMAN: Thank you, sir.

Do I hear a motion to adjourn?

MR. JONES: So move.

THE CHAIRMAN: We stand adjourned. Thank you very much.

(Whereupon, at 12:05 o'clock

p.m., Tuesday, November 15,

1977, the regular monthly

meeting of the Board was

adjourned. . . .)

Helen R. Dietrich,  
Reporter.



C E R T I F I C A T E

I, the undersigned reporter, DO HEREBY CERTIFY that the above and foregoing ( 92 pages of typewritten matter) is a true and correct transcription of the tape recording and of the stenographic notes of the proceedings herein, transcribed by me, at the time and place hereinbefore noted.

New Orleans, Louisiana, this 5th day of December, 19 77.



Helen R. Dietrich,  
Reporter.

